

McGREGOR W. SCOTT
United States Attorney
KRISTI C. KAPETAN
Assistant U.S. Attorney
4401 Federal Building
2500 Tulare Street
Fresno, California 93721
Telephone: (559) 497-4036

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

ESTHER SOLEM,)	1:05-CV-0511 AWI LJO
)	
Plaintiff,)	
)	STIPULATION AND ORDER
v.)	FOR REMAND PURSUANT TO
)	SENTENCE FOUR OF 42 U.S.C.
JO ANNE B. BARNHART,)	§ 405(g), and
Commissioner of Social)	
Security,)	REQUEST FOR ENTRY OF JUDGMENT
)	IN FAVOR OF PLAINTIFF AND
Defendant.)	AGAINST DEFENDANT
)	

IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that this action be remanded to the Commissioner of Social Security for further administrative action pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), sentence four.

On remand, the Appeals Counsel will instruct the Administrative Law Judge ("ALJ") to take the following action:

(1) Give further consideration to Plaintiff's maximum residual functional capacity, specifically, the plaintiff's ability to perform gripping, grasping, pulling and pushing, during the entire period at issue, and provide appropriate rationale with specific references to evidence of record in support of assessed

1 limitations (see Social Security Ruling (SSR) 96-8p);

2 (2) In so doing, evaluate the treating and examining source
3 opinions (see 20 C.F.R. § 404.1527, SSR 96-2p and 96-5p) and non-
4 examining source opinion (see 20 C.F.R. § 404.1527(f), SSR 96-6p),
5 and explain the weight given to such opinion evidence;

6 (3) As appropriate, request the treating and examining
7 sources to provide additional evidence and further clarification
8 of the opinion;

9 (4) Articulate in the residual functional capacity
10 assessment any limitations that are found, in work related terms
11 that are consistent with 20 C.F.R. § 404.1545;

12 (5) Obtain supplemental evidence from a vocational expert to
13 clarify the effect of the assessed limitations on Plaintiff's
14 occupational base (see SSR 83-12, 83-14);

15 (6) Pose hypothetical questions that clearly reflect the
16 specific capacity/limitations established by the record as a whole
17 in terms that are consistent with 20 C.F.R. § 404.1545;

18 (7) Ask the vocational expert to identify examples of
19 appropriate jobs and to state the incidence of such jobs in the
20 national economy (see 20 C.F.R. § 404.1566); and,

21 (8) Before relying on the vocational expert evidence,
22 identify and resolve any conflicts between the occupational
23 evidence provided by the vocational expert and information in the
24 Dictionary of Occupational Titles (DOT) and its companion
25 publication, the Selected Characteristics of Occupations (see SSR
26 00-4p).

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1 The parties further request that the Clerk of the Court be
2 directed to enter a final judgment in favor of plaintiff, and
3 against defendant, Commissioner of Social Security, reversing the
4 final decision of the Commissioner.

5 Respectfully submitted,

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7 Dated: July 27, 2006

/s/ Robert Ishikawa
(As authorized via facsimile)
ROBERT ISHIKAWA
Attorney for Plaintiff

9
10 Dated: July 31, 2006

McGREGOR W. SCOTT
United States Att Dated:

11
12 /s/ Kristi C. Kapetan
KRISTI C. KAPETAN
13 Assistant U.S. Attorney
14

15 **ORDER**

16
17 IT IS SO ORDERED.

18 **Dated: July 31, 2006**
0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE